

BEFORE THE BOARD OF APPEALS AND INTERFERENCES
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Terry et al.

Board of Appeal No. 2002-0252
Serial No. 09/365,349

Filed: July 30, 1999

For: *Heavy Metal Phytoremediation*

Group Art Unit: 1638

Examiner: Ibrahim, M.

Attorney Docket No. B99-085

CERTIFICATE OF TRANSMISSION

I hereby certify that this corr. is being transmitted by fax to the
Comm. for Patents, Washington, D.C. 20231 at 703 308-7952 on
June 2, 2003.

Signed

Richard Osman

LETTER RE APPEAL

The Commissioner of Patents
Washington, D.C. 20231

Dear Honorable Board:

Since the filing of our appeal, we filed an identical continuing application Serial No. 09/933,549 with related claims which have been allowed by the same Examiner and will issue in US Pat No. 6,576,816 on June 10, 2003. Issuing claim 1 provides limitations similar to those of claims 1, 2 and 3 of this appeal, and is reproduced below:

1. A Brassica plant which comprises a recombinant glutamylcysteine synthetase expression construct to overexpress glutamylcysteine synthetase and thereby provides enhanced heavy metal accumulation as compared with a corresponding wild type plant.

Respectfully submitted,
SCIENCE & TECHNOLOGY LAW GROUP

Richard Aron Osman, Ph.D., #36,627
Tel(650)343-4341; Fax(650) 343-4342

BOARD OF PATENT
APPEALS &
INTERFERENCES
JUN - 2 2003